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Chairman: Mr. Wenaweser ..... (Liechtenstein)
later: Ms. Mohamed Ahmed (Vice-Chairman) ..... (Sudan)

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The meeting was called to order at 3.05 p.m.

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/57/134, 138,140, 182, 205 and Add.1, 274,275, 277, 283, 311 and Add.1, 323,356, 357, 369, 371, 384, 385, 394, 446; A/57/458-S/2002/1125 and A/57/484; A/C.3/57/7)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/57/230, 284, 290 and Corr.1, 292,309, 325, 326, 345, 349, 366 and Add.1, 433 and 437; A/C.3/57/5)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/57/36 and A/57/446)

1. **Mr. Felix** (Dominican Republic) said that his Government reiterated its full commitment to all international regional human rights instruments. It was making efforts to improve its judicial system through reinforcement of its national human rights institutions and removing political influence within the judiciary. Only within a legal framework which guaranteed fundamental freedoms could the country attain the desired level of social development, and therefore, his Government supported the initiatives of the High Commissioner for Human Rights to advance the rule of law. Human rights education was key to development, and his country had included that topic in its national development strategy. It was providing specialized training in human rights for the police force and was conducting a reform of the public safety regulations, with the active participation of civil society.

2. In the past, his country had suffered under regimes which had ruled by force where a culture of impunity had prevailed, but that chapter in its history had closed. Under the current legitimate democratic Government, embracing its cultural diversity and relying on the Charter of the United Nations and other international instruments for guidance, the Dominican Republic was working to consolidate its democracy and promote economic and institutional development, through a close linkage between human rights and sustainable development.

3. **Ms. Amadei** (European Community) said that genuine elections were fundamental to sustainable development and a functioning democracy, and that support to election processes had become a key component of the European Union's external relations policy. Its Election Observation Missions promoted democracy and human rights in a spirit of cooperation with partner countries. Achieving the common goal of sustainable democracy required political commitment from all parties concerned, including early dialogue with national authorities and consistency between election support and the overall cooperation strategy for each partner country. Election observation was not an end in itself, but was intended to contribute to the democratization of partner countries. Follow-up to a mission's findings and recommendations was therefore essential in promoting long-term improvements and sustainability.

4. To meet its ambitious objectives, the European Union had developed additional tools and resources. Election observers from all member States underwent training programmes in order to gain a full understanding of their role, rights and obligations. The Observation Missions followed a number of guiding principles. A mission was established only after an exploratory mission to the host country to assess whether it would be politically advisable, logistically feasible and useful for the democratic development of the country, and to determine what other types of financial, material or technical assistance were needed. Missions were deployed six to ten weeks before polling day and stayed in the country until the official results were announced. Close cooperation was maintained with other international and regional organizations, as well as with domestic observer groups.

5. Democracy was not just about elections, but genuine elections were a necessary condition for democracy. The European Union would continue to promote democratization and respect for human rights through genuine and periodic elections in an effort to contribute to peace, security and the prevention of conflicts.

6. **Mr. Šahović** (Federal Republic of Yugoslavia) said that, from the recognition of the rights of the individual as a concern of the international community to the establishment of international human rights

standards and mechanisms for their observance, the United Nations had played a key role in the promotion of human rights. The recent events in Bali and Moscow were a painful reminder that terrorism threatened the most basic right — the right to life. The international community must respond decisively to terrorism, but that response must be in line with international human rights law.

7. Two years earlier, his country had embarked on a process of society-building based on democracy, the rule of law and respect for human rights. Results had already been achieved, but it was continuing to work towards those goals. His Government had acceded to all United Nations human rights treaties to which the former Yugoslavia had been a party. At the national level, amendments to the Law on Criminal Procedure strengthened human rights protections for individuals at all phases of criminal proceedings. The death penalty had been abolished, and a law on religious freedom adopted. His Government attached great importance to minority rights and was aware that much insecurity in the region had been caused by the inadequate treatment of minorities. It was in the process of concluding bilateral agreements on minority issues with its neighbours, in addition to a strategy for integrating the Roma people.

8. **Mr. MacKay** (New Zealand) said that his country had always been committed to the multilateral system of the United Nations. All global challenges had a human rights dimension, and in addressing them, it was crucial to uphold the universal values which had been the cornerstone of the United Nations since its inception. A focus for New Zealand was improving the implementation of international human rights instruments. It urged all States to ratify those instruments and to fulfil their reporting obligations. The Secretary-General had his delegation's full support for his initiative to streamline reporting obligations in order to improve effectiveness. His country welcomed the adoption of the Optional Protocol to the Convention against Torture, which would provide for an international inspection system to prevent torture. The many sponsors of the draft resolution and the high number of votes in favour indicated strong support for that proactive and constructive instrument. His delegation looked forward to its prompt entry into force.

9. Development underpinned human rights, but enjoyment of human rights was essential to addressing poverty and promoting development. New Zealand's development assistance programme had decided to mainstream human rights across all areas. It also emphasized good governance and the rule of law, and care must be taken to ensure that the current global focus on terrorism did not override the obligations of all States to protect human rights.

10. Turning to specific situations of concern, he noted the steady deterioration in the human rights situation in Zimbabwe over the past year, in particular extrajudicial killings, torture and other abuses by the security and paramilitary forces. The questions surrounding the presidential election, the erosion of the independence of the judiciary and restrictions on freedoms were other concerns along with widespread expulsions of farmers which had exacerbated the humanitarian situation. Disturbing reports of systematic violations of human rights continued to emanate from Iraq. His delegation welcomed the targeted approach to sanctions, which was less likely to create hardship for the civilian population or impose burdens on neighbouring States. The lack of cooperation with efforts to improve the delivery of humanitarian relief also remained of concern.

11. The continuing violence and death toll arising from conflict in Israel and the occupied territories were appalling, and it was clear that innocent people were suffering on both sides. The ongoing construction of Israeli settlements was a particular obstacle to reconciliation. For its part, the Palestinian Authority must do all that it could to demonstrate its rejection of the use of violence to pursue political goals. Both parties must identify those responsible for human rights violations and bring them to justice. His delegation welcomed the resumption of peace talks between the Sudanese Government and the Sudanese People's Liberation Movement and urged all parties to respect the ceasefire and conclude a just and lasting peace agreement. It was concerned, however, by recent reports of the denial of due process and indications that Sudan intended to apply the death penalty. It called on Sudan to comply with its obligations under the international human rights instruments to which it was a party.

12. Events in Chechnya were disturbing. Russia's need to combat terrorism did not excuse the ongoing abuse of human rights on both sides. Reportedly, displaced persons were being actively encouraged to return to Chechnya despite serious security problems

and inadequate accommodation. New Zealand joined the international community in urging the Russian Federation to investigate all alleged human rights violations and work for a durable political solution. Recent decisions issued by Shariah courts in northern Nigeria that had imposed death sentences had disturbing implications for the protection of human rights. His delegation urged the Government to strengthen its judicial institutions at all levels, consistent with Nigeria's constitutional values and in accordance with international human rights law. The recent release of political prisoners in Myanmar had been a positive step and had raised hopes for a new chapter in its relations with the international community. The unwillingness of the authorities to pursue national reconciliation and political reform and address human rights violations had been disappointing, however. He echoed the concerns of the international community about the treatment of ethnic minorities and urged the Government to implement the recommendations of the Special Rapporteur and the Special Envoy.

13. His delegation welcomed the tremendous advances in economic and social conditions in China and hoped that they would be matched by greater civil and political rights. It acknowledged the ongoing efforts to reform the legal system and tackle corruption, but remained concerned about restrictions on freedom of expression and religion, reports of arbitrary arrest and detention and ill-treatment of prisoners. It also urged China to involve the Tibetan people in decisions regarding their development. In the Islamic Republic of Iran, positive developments in such areas as child welfare, juvenile justice and the work of the Islamic Human Rights Commission had been noted. New Zealand urged the Government to address the remaining areas requiring attention, including reform of the judiciary, freedom of expression and association and the status of both religious and ethnic minorities.

14. New Zealand also welcomed the progress being made in Afghanistan towards lasting peace and the return of legitimate authority, in particular the establishment of the Independent Human Rights Commission, whose mandate included the advancement of women's rights. Multiple challenges remained, of course. Security for all Afghans and the reconstruction of the country's infrastructure were prerequisites for an end to terrorism, extremism and drug trafficking. The local elections which had taken place in Cambodia in February 2002 were welcome, but the level of violence surrounding them was a matter of concern. He called on the Government to ensure that there would be no repetition of such violence at the July 2003 National Assembly elections. Finally, he urged the United Nations and the Government to establish a tribunal in keeping with international standards to try the remaining Khmer Rouge leaders.

15. All countries must rise to the challenge of implementing the right enshrined in the Universal Declaration of Human Rights and further elaborated in the international human rights instruments. That imperative was at the core of the work of the United Nations.

16. **Ms. Jarbussynova** (Kazakhstan) said that, on becoming independent, Kazakhstan had made a firm commitment to observe and protect human rights and fundamental freedoms and was, to that end, party to 14 international multilateral human rights conventions. In addition, the Government intended to accede to the International Covenants and their respective protocols in the near future. Democracy in Kazakhstan was now irreversible, and the economy was flourishing. Democratization had led to judicial reform: the authority of the courts had increased significantly following the adoption of a new law on the judicial system, and it was hoped to introduce a system of trial by jury in the near future. Steps were also being taken to improve prison conditions.

17. A process of decentralization had been initiated, and in that connection a system of local elections was being introduced. In order to strengthen civil society institutions and enable citizens to protect their rights, the President had issued a decree which provided for the creation of an Ombudsman. Kazakhstan attached priority importance to the protection of the rights of the child, as evidenced by the ratification of the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. The empowerment of women was also crucial to development, and so her country's objective was to radically improve their status and integrate them into political life. In accordance with the Convention on the Elimination of All Forms of Discrimination Against Women, measures had been taken to combat violence against women.

18. Racism, xenophobia and all forms of discrimination should be condemned by the international community as incompatible with democracy and human values, and therefore her delegation welcomed the recommendations adopted at the Durban Conference. In conclusion, she assured the Committee of Kazakhstan's commitment to implementing policies aimed at strengthening the protection of human rights and fundamental freedoms, in accordance with the provisions of the relevant international human rights instruments, and its desire to collaborate further with the international community in that regard.

19. **Mr. Zeidan** (Lebanon) said that the current trend was to take respect for civil, political, economic and social rights as a yardstick in assessing any action by States. Lebanon believed that all cultures formed a universal cultural heritage and had always advocated a dialogue among cultures, a matter that had been the theme of the Francophone Summit held in Beirut the previous month.

20. As his country believed in human rights it could not fail to condemn Israel's refusal to cooperate with the United Nations in its efforts to investigate the human rights situation in the occupied Arab territories. In decision 2002/244 of 25 July 2002, the Economic and Social Council, taking note of Commission on Human Rights resolution 2002/10 of 19 April 2002, on the human rights situation of Lebanese detainees in Israel, had endorsed the decision of the Commission to request the Secretary-General to bring the resolution to the attention of the Government of Israel and to call upon it to comply with its provisions. Accordingly, the Secretary-General had addressed a note verbale to the Minister for Foreign Affairs of Israel, as mentioned in document A/57/345, to which no answer had been received by the date of that document. His delegation wondered how world opinion viewed the decision of Israel to hold the Lebanese detainees as hostages and asked whether such action was consistent with human rights law and the Geneva Conventions.

21. In document A/57/138, the Special Rapporteur of the Commission on Human Rights stated that violence in the territories occupied by Israel was a cause of gravest concern and called on the Government of Israel to investigate all incidents of alleged killings by Government forces without delay and to ensure that the persons responsible were brought to justice. With reference to the report of the Secretary-General on the protection of migrants (A/57/134), his delegation commended the Special Rapporteur of the Commission on Human Rights on the human rights of migrants and pointed out that illegal migrants entering his country often applied for asylum and that their applications were processed only by the Office of the United Nations High Commissioner for Refugees (UNHCR). Asylum-seekers were allowed to remain on Lebanese territory temporarily until they were resettled in a third country or deported to their country of origin if the asylum application was unfounded.

22. Referring to the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/57/283), he said that his delegation appreciated the work Office of the United Nations High Commissioner for Human Rights (OHCHR), particularly in the Arab States, and emphasized the need to translate human rights training materials into Arabic. He welcomed, in that connection, the cooperation project being implemented jointly by OHCHR and the United Nations Development Programme (UNDP). It was important that OHCHR should continue to establish strong relations with regional organizations and institutions, as it had done with UNDP and, more recently, with the League of Arab States. Those arrangements would facilitate the integration and mainstreaming of human rights into the work programmes of OHCHR.

23. His delegation welcomed the efforts of UNHCR in the Middle East region and in particular the appointment of two representatives of the High Commissioner who would be based in Beirut, one of whom would give advice on human rights within the scope of the Economic and Social Commission for Western Asia, while both of them would advise States parties with regard to the preparation of work plans on human rights and the related legislation, the establishment of national human rights institutions, and would give technical support and guidance to members of civil society in the Arab region.

24. With reference to the note by the Secretary-General on the elimination of all forms of religious intolerance (A/57/274), he said that his delegation strongly supported the work of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief and drew particular attention to paragraph 33 of the document which mentioned reports of 520 violent incidents in the United States of America directed against Arab Muslims since 11

September 2001 and also a large number of complaints of workplace discrimination involving United States Muslims.

25. **Mr. Dauth** (Australia) said that in an increasingly insecure world, blighted by the scourge of terrorism, it must not be forgotten that the foundation of freedom, justice and peace was recognition by Governments of the inherent dignity and the equal and inalienable rights of human beings. Although his delegation was heartened by a growing appreciation that respect for human rights must be built on the bedrock of good governance and accountable democratic institutions, there was a continuing need to pressure Governments to uphold the basic rights of their citizens.

26. The tragic bombings in Bali had highlighted some of the challenges facing Indonesia. The introduction of special autonomy packages for some regions and Government-initiated peace processes were important steps forward in the search for a durable political solution to Indonesia's problems. He urged Indonesia to bring to justice those responsible for human rights abuses in Timor-Leste and to implement legal, judicial and defence force reform. He pledged his country's continuing practical support to improve the Indonesian legal system.

27. He was deeply concerned about human rights abuses in Iraq and Zimbabwe. His delegation demanded that the Iraqi Government should cease the repression of its people, who were forced to live in a climate of fear, intolerance, uncertainty and deprivation. In Zimbabwe, the Mugabe Government's harassment and intimidation of the judiciary and the independent media and credible reports of arbitrary arrests and torture of members of the Movement for Democratic Change bore all the hallmarks of a regime prepared to subvert democracy and the rule of law in order to maintain its grip on power. The Australian Government had implemented bilateral sanctions targeted against members of the ruling elite in Zimbabwe and called on the Government to commence good-faith negotiations with the opposition and to engage with the international community in efforts to set the country on the path towards political reconciliation and economic recovery.

28. He acknowledged China's efforts to build greater transparency and accountability into its legal and administrative systems and its progress in guaranteeing social and cultural rights but remained concerned about the use of the judicial system to take action against individuals and groups who appeared to have done no more than exercise legitimate human rights. His delegation urged China to ensure the rights and freedoms of its ethnic and religious minorities. He was pleased that the Burmese authorities were continuing to cooperate with United Nations officials and other international organizations regarding the political reconciliation process between the Government and the National League for Democracy. However, Australia called upon the Burmese Government to take prompt action to address wider human rights issues.

29. His delegation remained deeply disturbed about the loss of life and injury resulting from the violent confrontations in the West Bank, Gaza and parts of Israel. Although developments in that region had been extremely discouraging, the outline of a resolution to the conflict was becoming clear and in that connection he urged both sides to bring about an immediate ceasefire. Turning to the situation in Iran, he said that he was encouraged by President Khatami's promotion of the rule of law, the high levels of democratic participation and female educational achievement and the steps taken to address discrimination against religious minorities. Nevertheless, there was still much to be done, inter alia, putting a stop to continued violations of due process.

30. In the run-up to the 2003 elections in Cambodia, he urged the Royal Cambodian Government to take further steps to ensure an environment conducive to free and fair elections. His delegation regretted the United Nations decision to cease negotiations on the establishment of a Khmer Rouge tribunal and urged Member States to participate in efforts to encourage both parties to resume dialogue. Lastly, he urged all parties to the conflict in the Sudan to engage with the international community in order to improve conditions for the long-suffering population.

31. *Ms. Mohamed Ahmed (Sudan), Vice-Chairman, took the Chair.*

32. **Mr. Paiva** (Observer for the International Organization for Migration (IOM)) said that there were currently some 175 million international migrants who, irrespective of their national origin, race or legal status, shared with the nationals of their host community the human rights and fundamental freedoms inherent to all individuals. His delegation welcomed the report of the Special Rapporteur on the human rights of migrants

(A/57/292) and agreed wholeheartedly that the international community should take a holistic view of migration if the current problems regarding migration flows were to be addressed effectively and humanely. IOM shared the Special Rapporteur's concerns regarding the growing trend of racial discrimination towards migrants, but noted that Governments were increasingly willing to pursue multilateral discussions on migration issues and increasingly committed to protecting the rights of migrants. The challenge now facing the international community was how to capitalize on those positive developments.

33. IOM was particularly concerned about the growing number of migrants in irregular situations and, as a result, was taking a more active role in international efforts to promote effective respect for their rights by, inter alia, participating in the International Steering Committee of the Global Campaign for Ratification of the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Trafficking had become one of the most flagrant human rights abuses affecting migrants, particularly women and children, therefore combating it, through both preventive activities and victim-support programmes, was one of the main pillars of the work of IOM. He echoed the Special Rapporteur's concern over the increase in both trafficking and migrant smuggling, and called on States to ratify the relevant Protocols to the United Nations Convention against Organized Transnational Crime, since they were significant tools in the global effort to stop the human rights abuses suffered by trafficked migrants.

34. Lastly, he noted with some disappointment that, following the events of 11 September 2001, growing concerns over national security had led to violations of migrants' rights. While the fight against terrorism was imperative, the vast majority of persons moving around the globe were doing so for valid reasons, and controlling borders was in no way incompatible with a migration management policy which respected the rights and dignity of migrants. IOM was committed to promoting better migration management, highlighting the positive aspects of migration, reducing exploitation and ensuring migrants' access to equality of justice and civil liberties. It would pursue those aims by participating in migration consultations with Governments, strengthening partnerships with intergovernmental and non-governmental organizations and continuing to collaborate with the Office of the High Commissioner for Human Rights.

35. **Mr. Marcussen** (International Federation of Red Cross and Red Crescent Societies (IFRC)) said that the next International Conference of the Red Cross and Red Crescent would be an opportunity to reaffirm the seven fundamental principles of the of the Red Cross and Red Crescent Movement, which were already being promoted at the global level as part of the United Nations Decade for Human Rights Education. Steps were also being taken to further develop the activities of the Federation by, inter alia, setting up institutional partnerships to work on combating discrimination and promoting tolerance. The vulnerability of children was one of the Federation's most pressing concerns, particularly in communities afflicted by the scourge of HIV/AIDS where stigma, silence, denial and discrimination were undermining prevention, care and treatment efforts and increasing the impact of the epidemic, especially on street children. In order to improve the situation, IFRC had launched a global anti-stigma campaign which made use of resources from over 60 national Red Cross and Red Crescent Societies.

36. Population movement was an issue of truly mammoth proportions and migrants, especially those described as "illegal" or "undocumented", were particularly vulnerable to human rights abuses, even when they had arrived safely in their new homeland. Regrettably, despite Governments' reiterated commitments to assuring human rights for all, there had recently been a marked resurgence of incidents of racism, discrimination and xenophobia against migrants. IFRC, which set up programmes based on vulnerability and need without reference to legal status, did not wish to attribute responsibility for such incidents, but called on States to accede to or ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families. Lastly, his delegation shared the desire of the High Commissioner for Human Rights to move forward constructively and was determined not to settle for mediocrity.

37. **Mr. Zhang** Yishan (China), speaking in exercise of the right of reply, said that the words used by the representative of the United States of America in his gratuitous attack on China had been both unfamiliar and familiar. He was unfamiliar with the offensive rhetoric employed, which went against the current trend of the promotion of human rights through mutual

understanding and cooperation. Although the world had entered a new millennium, the United States was holding on to the past by seeking confrontation, politicizing the human rights question and exerting pressure on other States. However, the content, tone and terms employed by the United States were all too familiar, echoing those of 10 years ago. Despite the developments of the last decade, little progress had been registered in respect of the position, frame of mind and temper of the representative of the United States.

38. China, home to one fifth of the world's population, shared the common ideal of safeguarding and promoting human rights and fundamental freedoms and, over the past decade, had made acclaimed progress in the political, economic and cultural arenas. He was proud to say that human rights conditions in China were now the best ever, and the accusations made by the representative of the United States could never negate nor halt the progress made in that area.

39. His delegation was in favour of dialogue and cooperation in the area of human rights, but neither appreciated nor approved of the imperious unilateralism of the United States. It was unrealistic, undemocratic and impossible for that country to seek to impose its social system, way of life and values on other countries. If the representative of the United States truly wished to make a positive contribution to the promotion of human rights, he should consider displaying a little less arrogance and prejudice and discard fruitless confrontation in favour of constructive cooperation. He sincerely hoped to see an evolution in the attitude of the United States at the fifty-eighth session of the General Assembly.

40. **Mr. Hussein** (Ethiopia), speaking in exercise of the right of reply, said that he would like to respond to a point made by the representative of Norway. His delegation was pleased that Norway had welcomed the progress made in the peace process between Ethiopia and Eritrea — both States wished for peace and had been working towards achieving it — but felt disappointed that Norway had lumped together Ethiopia's human rights record with that of a neighbouring country. Tremendous efforts had been made to promote and protect human rights in his country, which had evolved from a highly autocratic and centralized nation to one in which democratic processes were being introduced and decentralization was under way.

41. The Government of Ethiopia had helped Eritrea become independent because it believed in the right of the people of Eritrea to self-determination. That was an example which could be followed in other parts of the world, including Europe. Over the last 10 years, his country had made a great deal of progress in the area of human rights: the Ethiopian Constitution, which laid down the obligation to respect fundamental rights and freedoms in accordance with international human rights instruments, was the benchmark for its human rights record. Any country that claimed to have a completely clean human rights record was not telling the truth. Lastly, he recalled that the majority of the Eritrean prisoners of war had been released under the auspices of the International Committee of the Red Cross and in complete observance of international humanitarian law. His Government would stand by its commitment to release the remainder of them.

The meeting rose at 4.45 p.m.